

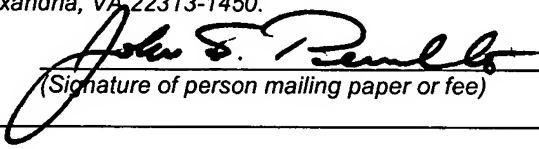
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard A. Gambale et al.
Serial No.: Not Yet Assigned
Filed: Herewith
For: IMBEDDED INTRAMUSCULAR IMPLANTS
Examiner: Thomas C. Barrett
Art Unit: 3762

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the applicants request consideration of this information disclosure statement.

Compliance with 37 C.F.R. §1.97

This information disclosure statement has been filed within three months of the filing date of a national application. No fee or certification is required.

Compliance with 37 C.F.R. §1.98(d)

This application is a continuation of application Serial No. 09/211,322 filed December 15, 1998. Information listed on the attached PTO 1449 form and marked with an asterisk (*) indicates information that was also cited in the parent application in compliance with 37 C.F.R. §1.98(a)-(c). Copies of these references have not been resubmitted with this filing.

Information Cited

The applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the relative importance of the references.

**Explanation of Non-English Language References and
Remarks Concerning Other Information Cited**

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

DE 19703482, and DE 29619029U1 are German language documents. An English language Derwent abstract for each was provided with the parent application..

FR 1,514,319 and FR 1,278,965 are French language documents. Due to the age of the documents, an English language abstract was not available from the Derwent World Patent Index database.

RU 2026640 C1 and RU 2063179 are Russian language documents. An English language Derwent abstract for each was provided with the parent application..

Remarks

It is respectfully requested that:

- The examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability

of the present claims;

- The enclosed form PTO-1449 be signed by the examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- The citations for the information be printed on any patent which issues from this application.

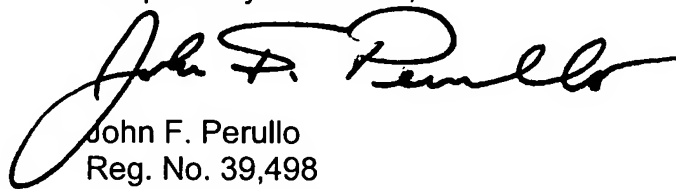
By submitting this information disclosure statement, the applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is understood by applicant that the foregoing information will be considered and, to the extent deemed appropriate by the examiner, will be reflected in the examiner's communication.

Respectfully submitted,



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Docket No.: B0410/7280D1
Date: January 29, 2004

Form PTO-1449 INFORMATION DISCLOSURE STATEMENT	Docket No.: B0410/7280D1	Serial No. Not Yet Known
	Applicant: Richard A. Gambale et al.	
	Filed: Herewith	Group: 3762

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Examiner:	Date considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. An * indicates references that do not require a copy to be provided under 37 C.F.R. §1.98(d) because a copy was previously cited or submitted in a prior application, which is relied upon under 35 U.S.C. §120.